

Section 7: Corrections

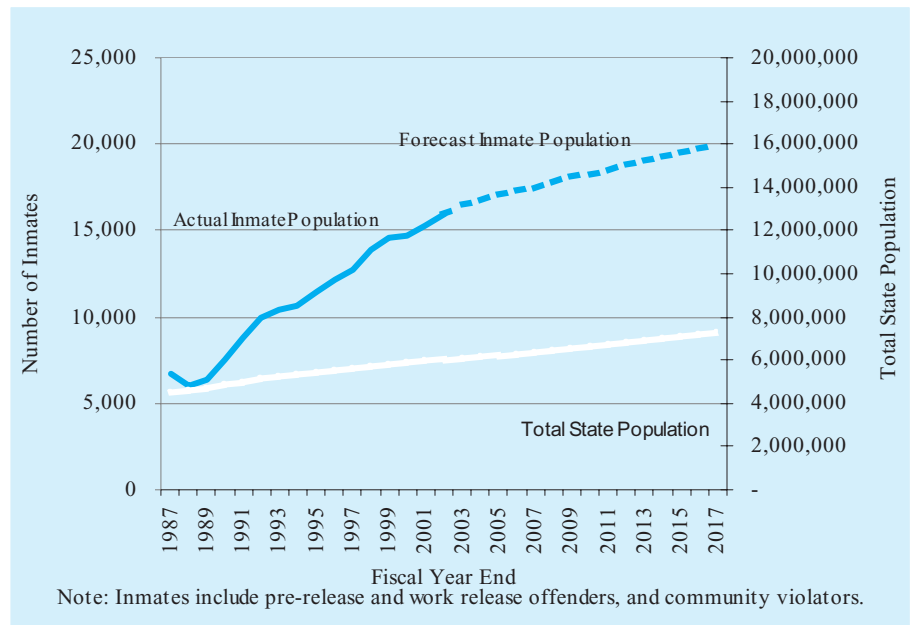
Corrections

Between 1987 and 2002, the adult inmate population in Washington State increased by 139 percent, while the state's total population increased by 34 percent.

Jails/ Prisons/ County Detention/Juvenile Rehabilitation Administration

The number of people incarcerated in Washington has been growing, and is expected to continue to grow. Currently one of every 100 males age 18 to 39 is serving time in a Washington State Department of Corrections (DOC) facility (Washington State Department of Corrections 2003b 14). Between 1987 and 2002, the adult inmate population increased 139 percent, while the total state population increased by 34 percent (Washington State Caseload Forecast Council 2002 1).

FIGURE 7-1
Historical and Forecast Inmate Population



Source: Washington State Caseload Forecast Council 2002 1

Correctional Facility Population Compared To Capacity. Changes to sentencing laws are policy decisions that are not necessarily accompanied by adjustments to the size of correctional facilities. Citizen initiatives and legislative action have altered Washington sentencing laws every year since 1981. Such changes are rarely part of a coordinated criminal justice strategy. One result is that the average daily population in DOC facilities often far exceeds capacity. The chart above shows that this is a serious and growing problem. Although DOC is at times able to house some inmates in other states (Washington State Department of Corrections 2003c 1), this is not a permanent solution.

Who Goes Where: Incarceration Alternatives

After a person is found guilty of a crime by a Washington court, a judge hands down the sentence. Prior criminal record and the severity of the present offense determine how long the person will spend in jail or prison. The judge decides whether there will be a monetary fine or community supervision. Community supervision means that the person is required to report periodically to the court, to participate in mental health or substance abuse treatment, or to meet other requirements set by the court. Community service routinely follows incarceration.

37 of Washington's 39 counties run their own jails.

Adult misdemeanants and felony offenders awaiting trial are held in jails run by city or county governments. Washington's Department of Corrections (DOC) takes jurisdiction over adult felony offenders who are sentenced to more than one year in prison; DOC personnel also provide post-confinement community supervision. Depending on the severity of their offense and/or their history of juvenile offenses, juvenile offenders convicted in juvenile courts serve their sentences in local juvenile detention facilities, or in state facilities run by the Juvenile Rehabilitation Administration.

Federal detainees in Washington are sent to the federal detention center at SeaTac. Currently, SeaTac houses 860 inmates.

Defendants sentenced by tribal courts may serve their time in jails on a reservation or in county jails with which the tribe contracts for space. Six Washington tribes run their own jails (Bureau of Justice Statistics 2002 6).

Local Jails

Jails are locally run correctional facilities that may confine offenders before, during and after their court trials; 19 Washington cities and 37 counties run their own jails.³³ Inmates sentenced to jail usually serve terms of less than one year; they also may be offenders who violated parole conditions or were arrested on an outstanding warrant. Local jails often house felons after conviction, while they await transfer to a DOC facility. Jails also house probation violators.

In a one-day count on February 24, 1999, the Washington Association of Sheriffs and Police Chiefs (WASPC) reported 672 offenders in city jails; 9,520 offenders in county jails; and another 1,144 offenders supervised, but not confined, by county jail personnel (Washington Association of Sheriffs and Police Chiefs 2001 3).

Crowding is the major problem currently facing jails. In a WASPC survey completed in 2000, 67 percent of both city and county jails reported jail crowding as their most significant problem. Jails have been forced to house prisoners in double or triple bunks, convert program space into housing units, or expand into modular units. WASPC attributes crowding to a growing trend to incarcerate intoxicated drivers, court delays leaving alleged offenders awaiting trial in jails for longer periods, increasing numbers of arrests, stricter sentences for parole violators, and a growing state population (Washington Association of Sheriffs and Police Chiefs 2001 4-6). The chart below details the overpopulation trend in Washington jails.

TABLE 7-1
Jail Capacity Compared to Statewide
Average Daily Population (ADP) in Washington State's Jails

| Year End | 1997 | 1998 | 1999 | 2000 | 2001 |
|----------------------|--------|--------|--------|--------|--------|
| Capacity | 9,680 | 9,905 | 9,770 | 9,886 | 10,193 |
| ADP | 9,798 | 10,518 | 10,689 | 11,082 | 11,872 |
| ADP As % of Capacity | 101.2% | 106.1% | 109.4% | 112.0% | 116.4% |

Source: Washington Association of Sheriffs and Police Chiefs 2003

³³ Douglas and San Juan counties do not have county jails.

An increase in the proportion of female-to-male prisoners is also changing jail demographics; since 1997, the percentage of women inmates in the Washington jail population has risen from 11.8 to 13.3.

Another problem faced by jail administrators and staff is the changing make-up of the inmate population. Today more felons and serious criminals serve their time in jails than misdemeanants, because facilities are too crowded and jail managers can accept only the most dangerous criminals. Misdemeanants are less likely to be sentenced to jail time. Jail personnel report that this shift results in a larger population of violent offenders, who are more likely to assault staff or other inmates.

An increase in the proportion of female-to-male prisoners is also changing jail demographics; since 1997, the percentage of women inmates in the Washington jail population has risen from 11.8 to 13.3. Most jails cannot provide the sight and sound separation from male inmates and staff required for women prisoners' safety.

Below is a chart describing the gender mix of the jail population from 1997 to 2001.

| TABLE 7-2 Average Daily Populations (ADP) of Male and Female Inmates in Washington State's Jails | | | | | |
|--|-------|--------|--------|--------|--------|
| Year | 1996 | 1997 | 1998 | 1999 | 2000 |
| Male | 8,646 | 9,242 | 9,329 | 9,675 | 10,295 |
| Female | 1,152 | 1,277 | 1,361 | 1,406 | 1,577 |
| Totals | 9,798 | 10,519 | 10,690 | 11,081 | 11,872 |

Source: Washington Association of Sheriffs and Police Chiefs 2003

Expanding Jail Capacity

Some cities and counties have contracted bed space from facilities that are not presently overcrowded, such as Yakima, Benton, Okanogan and Chelan County jails. Using bed space in other jurisdictions, however, requires transportation of prisoners, creating additional expense and security risk. Some cities and counties cannot afford to pay contract prices.

In response to crowding, various jurisdictions have used tent cities or added modular buildings, annexes and satellites to existing facilities. Few of these attempts to expand capacity permanently improve infrastructure. Some 23 percent of jails in Washington were built prior to 1972, another 70 percent between 1972 and 1988. In addition to being too small for current demand, Washington's jail facilities are outdated. Building a jail, though, is expensive. Below are final costs for some recently completed jail facilities.

| TABLE 7-3 Jail Construction Costs | |
|---|--------------------|
| Facility, Number of Beds - and () Year Completed | Cost (in millions) |
| Benton County — 420 Beds (2003) | \$26.0 |
| Clark County Jail — 200 beds (2001) | \$10.5 |
| Kitsap County Jail — 375 beds (2003) | \$24.0 |
| Kittitas County Jail — 220 beds (Not Completed) | \$20.0 |
| Pierce County — 1,000 beds (2003) | \$54.0 |
| Skamania County — 47 beds (2001) | \$5.5 |
| Yakima County — 160 beds (1999) | \$4.0 |

Source: Washington Association of Sheriffs and Police Chiefs 2001 50.
Updated by LeMunyon August 22, 2003

WASPC reports that the six-year average estimated cost per day for prisoners in Washington State's county jails in 2000 was \$47.90, below the national average of \$52.64.

Between 14 and 20 percent of jail residents are seriously mentally ill.

More than half of the defendants booked into jails in Spokane and Seattle test positive for drug use.

Operating Costs

Differences in jail design, including variation in such factors as line of sight (that is, ability for staff to see prisoners at all times) and security features preclude a standardized staff-to-offender ratio in Washington's jails. In 2000, numbers across the state ranged from 1.8 to 5.8 prisoners per jail employee (Washington Association of Sheriffs and Police Chiefs 2001 53). Annual operating costs per prisoner also varied, in large part for the same reason; in that same year, per-inmate operating costs spanned a continuum from \$9,142 to \$32,119. Despite this variance, WASPC reports that the six-year average estimated cost per day for prisoners in Washington State's county jails in 2000 was \$47.90, below the national average of \$52.64 (Washington Association of Sheriffs and Police Chiefs 2001 21).

Offenders With Special Needs

Because offenders stay a shorter time in jail than in prison, (frequently less than 72 hours), jails generally offer fewer services. However, populations of offenders with special needs may be in jail as long as one year. The idea of regional jails with staff trained to handle the needs of specific inmate populations is currently being discussed by the state's criminal justice professionals.

Many inmates need health care. For example, jail prisoners suffer higher rates of HIV/AIDS, tuberculosis, sexually transmitted diseases, and hepatitis B and C than Washington's general population (Washington Association of Sheriffs and Police Chiefs 2001 11). Between 14 and 20 percent of jail residents are seriously mentally ill. More than half of defendants booked into jails in Spokane and Seattle, (two National Institute of Justice monitoring sites), test positive for drug use, as revealed in the table below.

| TABLE 7-4 Seattle, Washington | | | | | | | | | | | | |
|----------------------------------|-------------------------|-------|-------|-------|------|---------|-----------------------------|----------|------|------|------|-------|
| Urinalysis Findings | | | | | | | | | | | | |
| Confidence Interval | Percent Positive by Age | | | | | | Percent Positive by Offense | | | | | |
| | <21 | 21-25 | 26-30 | 31-35 | 36+ | Unknown | Violent | Property | Drug | DV | DWI | Other |
| -3% | 70.8 | 62.3 | 68.8 | 66.6 | 60.5 | 0.0 | 58.9 | 73.4 | 69.5 | 59.2 | 48.8 | 63.8 |
| 0.0 | | | | | | | | | | | | |
| Spokane, Washington | | | | | | | | | | | | |
| Urinalysis Findings | | | | | | | | | | | | |
| Confidence Interval | Percent Positive by Age | | | | | | Percent Positive by Offense | | | | | |
| | <21 | 21-25 | 26-30 | 31-35 | 36+ | Unknown | Violent | Property | Drug | DV | DWI | Other |
| -5% | 64.7 | 60.9 | 64.1 | 61.2 | 49.8 | 0.0 | 50.0 | 71.5 | 67.4 | 52.3 | 30.3 | 59.8 |
| 0.0 | | | | | | | | | | | | |

Source: National Institute of Justice 2003 172-173

Healthcare needs place a tremendous burden on jail budgets. Because offenders become ineligible for state and federal healthcare programs when incarcerated, jails must pick up these costs. In an April, 2000 survey, Washington jails reported health care costs of \$16 million in 1998, an increase of \$9 million since 1994 (Washington Association of

Sheriffs and Police Chiefs 2001 10). Even at this level of spending, many jails are unable to separate mentally ill inmates from others, or provide these offenders with the treatment and medication their illnesses require.

Organizations In Which Local Jails Participate

Washington State Jail Association (WSJA) Established in 1973, this group of jail officers, supervisors and managers share information in order to standardize the procedures for the movement of prisoners around the state. The Association also produces a quarterly publication, sponsors annual training conferences through the Washington State Criminal Justice Training Commission, and lobbies on behalf of its members. Some recent issues addressed by the Association include employees' right-to-know issues about the health dangers of contact with offenders' body fluids, and pension and benefit reform for jail employees.

Washington State Jail Industries Board (JI) By providing technical assistance and leadership, this board of business, labor, crime victims and state agency representatives encourages local jail industries. They try to do so in ways that minimize competition with existing private businesses.

In all 39 counties inmates work in a variety of jobs.

In response to a 2001 survey, all 39 counties reported jail inmates working. Inmates can work in four different classes of jobs, ranging from private sector and community non-profit employment to correctional industries support and production. Services provided by inmates include laundry, food, and janitorial work. This work offsets the cost of incarceration in Washington jails. JI estimates that if inmates received the state minimum wage of \$6.72 per hour, this would represent a return of a \$24 million value to taxpayers (Washington State Jail Industries Board 2001 ii).

Washington Association of Sheriffs and Police Chiefs (WASPC)

WASPC acts as a clearinghouse for information about jails (in addition to many other criminal justice system responsibilities). Staff hosts the Jail Managers Forum, a group that provides jail administrators with their own forum for discussion and information sharing. WASPC is developing an electronic statewide Jail Booking and Reporting System (JBRS) that will connect all jails in every city and county and will interface with the Washington Justice Information Network (JIN). JBRS will eventually allow the retrieval of information on prisoners and produce summary data for use in managing the jails and for automated victim notification. Currently, the servers are complete and functional and the data architecture has been completed. Work is currently being done on the statistical reporting and summary data collection phase of the project. Interfaces between JBRS and local jails are being developed with an expected completion in 2005.

Today, DOC employs over 8,000 people who administer and supervise more than 16,000 offenders in 15 institutions, 13 work release and 3 pre-release facilities.

Washington Department Of Corrections: Adult Felony Offenders

In 1981, the Washington State Legislature formed the Department of Corrections (DOC) (RCW Chapter 72), creating an independent body separate from the Department of Social and Health Services, where the prison system had previously been headquartered (Washington State Department of Corrections 2003a 1). In addition, DOC employees oversee more than 65,000 of the 93,000 offender field cases – felony offenders who are finishing their sentences in the community. The remaining offenders have been evaluated as posing a low risk to the community, and hence are not under supervision (Engrossed Substitute Senate Bill 5990).

Demographic Data Of Incarcerated And Supervised Populations

After conviction, judges sentence felony offenders to incarceration in a state prison, community supervision, or a combination of the two. The chart below details DOC's inmate and supervised population caseloads as of April 30, 2003.

| TABLE 7-5 Inmate And Supervised Population Caseload as of April 30, 2003 | |
|---|--------|
| Inmate Population | 16,597 |
| Community Corrections Population | |
| Active Supervision | 65,709 |
| Inactive Status | 28,092 |

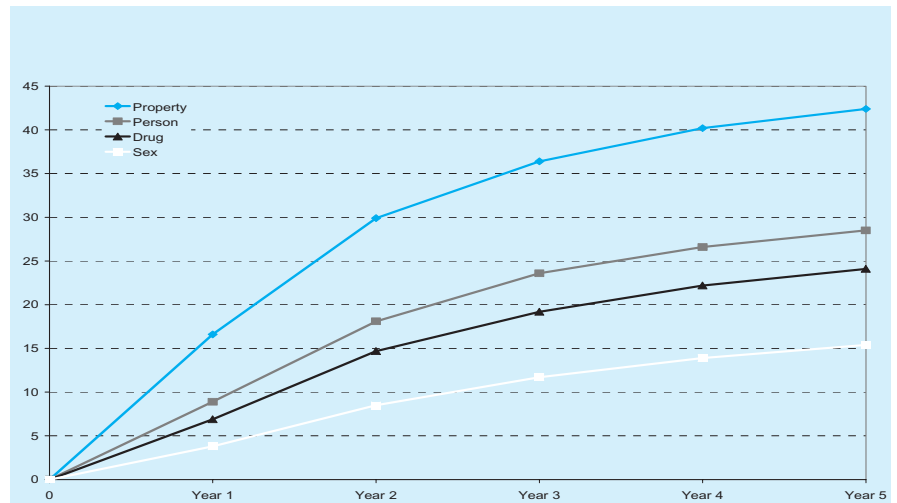
Source: Washington State Department of Corrections 2003c 4

Recidivism³⁴

Although over half of the admissions to prisons in 2002 were new admissions, repeat offenders made up a large proportion of DOC's incarcerated population. DOC's prison population is made up of first-time offenders, previous offenders sentenced for new crimes, and offenders who were released from prison but have not successfully completed the community supervision requirements. DOC estimates that the five-year return rate for repeat offenders averages 32 percent (Washington State Department of Corrections 2000).

³⁴ DOC defines recidivism as a "return to a Washington State adult correctional facility resulting from a new conviction or parole violation by an offender who has either been discharged or paroled from such a facility" (DOC 2000 1).

FIGURE 7-2
1985-2000
Percent Returned to Prison Within Five Years of Release
by Year of Return and Type of Crime



Source: Washington State Department of Corrections 2000 2

Correctional Options

Incarceration. Eight major institutions handle 80 percent of the incarcerated population within Washington. These institutions house the highest risk offenders and offer the highest security. They include Airway Heights Corrections Center (Spokane County, 1,536 beds), Clallam Bay Corrections Center (Olympic Peninsula, 858 beds), McNeil Island Corrections Center (Pierce County, 1,143 beds), Monroe Correctional Complex (Snohomish County, 2,010 beds), Stafford Creek Corrections Center (Grays Harbor County, 1,320 medium and 72 maximum security beds), Washington Corrections Center (Shelton, 1,285 beds), Washington Corrections Center for Women (Gig Harbor, 654 beds) and Washington State Penitentiary (Walla Walla, 1,729 beds).

Lower risk offenders are housed in minimum-security institutions within Washington when their behavior merits the change or their release date is imminent. Crews from minimum-security facilities often work in the community or in the prison. These facilities include Ahtanum View Correctional Complex (Yakima, 60 bed work release and 120 bed assisted living facility), Airway Heights Corrections Center (400 beds), Cedar Creek Corrections Center (Capitol Forest, 200 beds), Coyote Ridge Corrections Center (Connell, 400 beds), Larch Corrections Center (Yacolt, 400 beds), McNeil Island Corrections Center (1,143 beds), Monroe Correctional Complex (2,010 beds), Olympic Corrections Center (Jefferson County, 340 beds), Washington Corrections Center for Women, Washington State Penitentiary, Pine Lodge PreRelease (Spokane County, 329 beds) and Tacoma PreRelease (Pierce County, 140 beds).

8 institutions handle 80 percent of the population incarcerated in the Department of Corrections facilities.

FIGURE 7-3
Department of Corrections Map of Facilities

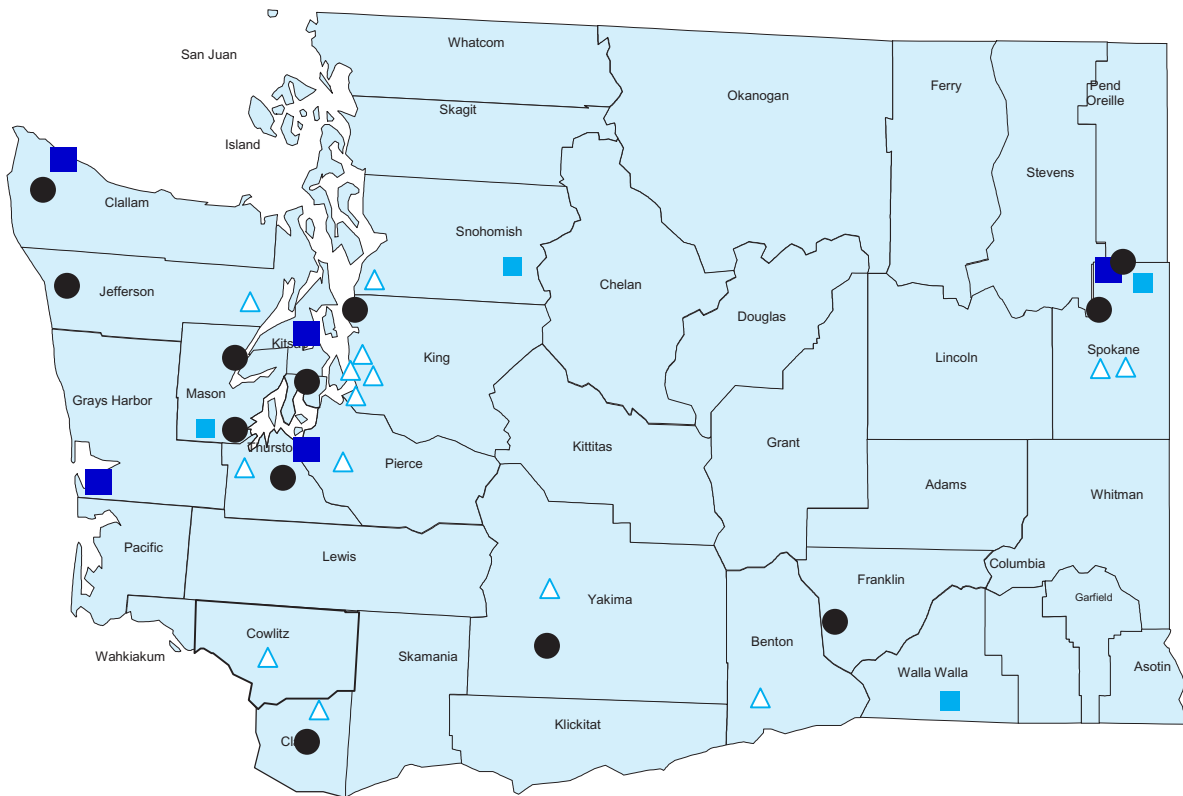
Key: Major Institutions



Minimum Institutions



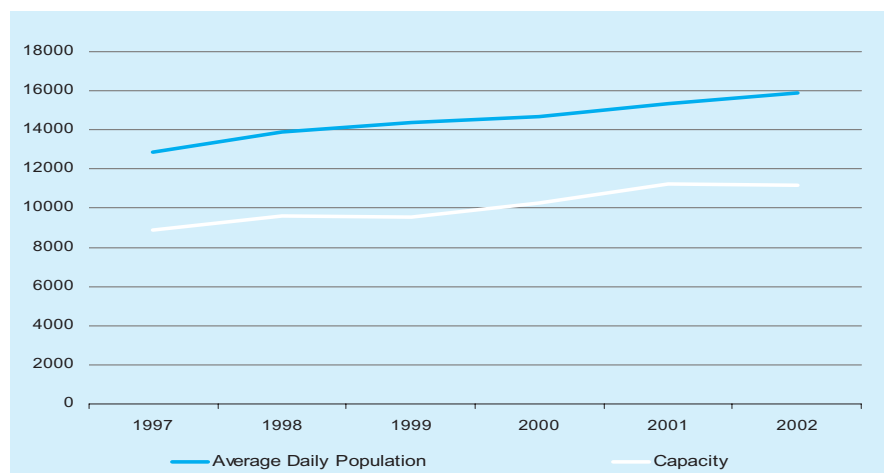
Work Release Facilities



Source: Washington State Department of Corrections 2003b 13

Work-training release facility staff oversees an offender's work schedule and housing. DOC operates 13 work release and 3 pre-release facilities around the state. Resident offenders pay the cost of their room and board.

FIGURE 7-4
Average Daily Population Versus Rated Capacity in Facilities Operated by the Washington State Department of Corrections



Source: Washington State Department of Corrections 2002b 1

Goals of the Washington state correction's system are to ensure public safety, punish offenders, stress personal responsibility, and discourage recidivism.

During the 1998 fiscal year, Washington spent \$3,411 per year on health care costs per offender, far above the national yearly average of \$2,734.

Classification of inmates into work release, minimum and maximum security prisons has remained stable over the last five fiscal years, relative to increases in population. The majority of offenders are minimum custody offenders.

Inmate Services. Washington's state legislature and Governor have assigned the corrections system specific goals: to ensure public safety, punish offenders, stress personal responsibility, and discourage recidivism through fair and equitable treatment shaped around specific community values (RCW 72.09.010). To achieve these objectives, DOC provides programs related to education, religion, victim awareness education, and sex offender and chemical dependency treatment (among others) to some incarcerated offenders. The intent of the programs is to change how offenders think and behave. High-risk offenders in particular require intensive programs and services if the recidivism cycle is to be interrupted.

Drug treatment is a case in point. DOC staff administer a pen-and-paper screening test when an offender enters prison to determine his or her propensity for dependence on drugs. Because the need for treatment far exceeds the resources to provide it, offenders receive treatment only if they have (in descending priority) a positive screening outcome for chemical dependency, are within one year of release, and qualify either by being sentenced under Washington's Drug Offender Sentencing Alternative or classification as at high risk to re-offend. In July, 2003, 2,665 incarcerated offenders were estimated to meet these criteria and were expected to be released from prison during the fiscal year. Contract staff are deployed to treatment sites to assess and admit these offenders to treatment. Staff are contracted to treat 3,041 offenders, but generally 25 percent remain untreated because of referral lag, offender sickness, lock-down status or lack of staff (Terry, August 25, 2003).

DOC provides medically necessary mental and physical health care services to offenders, including management and distribution of prescription medications, dental and optical care, and medical treatment and examinations. As in the case of offenders housed in jails, offenders under DOC supervision lose all health benefits through Medicare and Medicaid as well as, any Washington Department of Social and Health Services benefits while they are in prison.

A National Institute of Corrections (NIC) study published in 2001 examined state corrections expenditures for health care. During the 1998 fiscal year, Washington spent \$3,411 per year on health care costs per offender, far above the national yearly average of \$2,734 (National Institute of Corrections 2001 367). The NIC notes that Washington, between 1985 and 1998, increased health care expenditures by \$2,950 per offender, or 639.9 percent.³⁵ Nationally, during those same years, average costs increased \$1,375, or about 104.3 percent (National Institute of Corrections 2001 369).

³⁵ It should be noted that DOC included mental health and dental costs in figures provided for this study; some other states did not. In addition, Washington's DOC provides several needed but nationally atypical services to inmates; as Hepatitis C vaccinations and specific psychotropic medications (Fiala July 18, 2003).

To contain these costs, DOC has taken several significant steps to reduce expenditures for health care personnel. Improved recruitment and retention of pharmacists, physicians and nurses should reduce reliance on more costly contract personnel. Telemedicine and other initiatives will allow more efficient use of health care providers. DOC is also exploring new processes to screen referrals to outside providers, and to consolidate pharmacy services (Fiala July 18, 2003).

Community Supervision. DOC community corrections are handled by 635 officers in 83 offices around the state. During April, 2003, 65,709 offenders were on active supervision with DOC.³⁶ DOC's current strategic plan notes that this number includes one of every 25 males ages 18 to 39.

FIGURE 7-5
One in Every 25 Washington State Males aged 18 to 39 are on Active Supervision by Washington State's Department of Corrections



Source: Washington State Department of Corrections 2003b 15

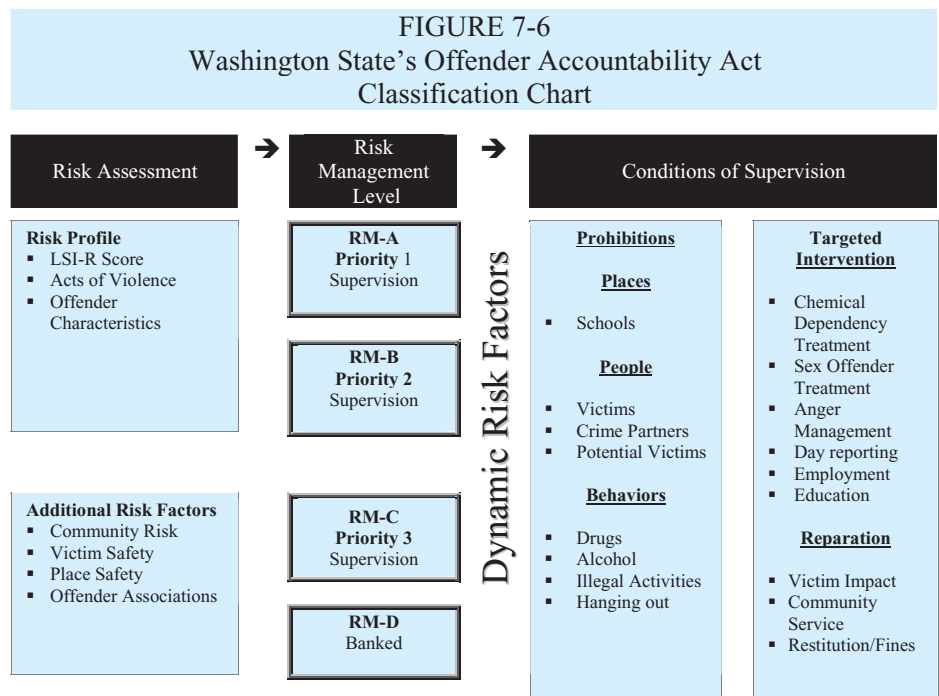
Typically, offenders assessed as high risk for re-offense are those convicted of a violent crime, level 3 sex offenders, mentally ill offenders and those with a history of threatening behavior.

Community Corrections Officers (CCO) have a range of duties with regard to an offender. They supervise offenders who have not been incarcerated and also those who have been incarcerated and subsequently released from prison. CCOs use a risk-management management protocol providing greater supervision for offenders who are deemed a greater risk and lesser supervision for low-risk offenders. They must stay up to date with each offender's living arrangements, employment, arrest problem areas and adherence to treatment activities. If there is a violation of community supervision standards, the CCO has arrest authority. Specialized DOC personnel screen all felony offenders released from prison or jails into the community for post-confinement supervision, assessing the risk of re-offense and the harm an individual has already done to victims and society. Typically, offenders placed in the "high risk" category are those convicted of a violent crime, Level 3 sex offenders, mentally ill offenders, or people with a history of threatening behavior. In 1999, the Offender Accountability Act (OAA) (RCW 9.94.555) mandated that DOC focus resources on individuals who pose

³⁶ According to DOC, in 1996 Washington State ranked second highest among states nationally, in the number of persons on local and state supervision in the community per 100,000 adult residents. The top five states are: Texas 3,113; Washington 3,059; Delaware 3,012; Rhode Island 2,798; Georgia 2,669 (Washington State Department of Corrections 2003f).

the greatest risk of re-offending, while giving the agency greater discretion to modify conditions of supervision and punish violators.³⁷

By combining the results of a formal risk assessment (the Level of Service Inventory-Revised, or LSI-R), with answers to additional questions relevant to past violent behavior, offenders are classified into four types: Risk Management (RM) A through D, with RM-A as the category of offender considered most likely to re-offend. Below is an accountability flow chart showing how the risk assessment determines the level of risk management, and conditions of community supervision.



Source: Washington State Department of Corrections 2003g

In 2003, the legislature changed DOC's supervision responsibilities. The majority of offenders at the two lowest levels of risk, Risk Management C and D, will no longer be supervised after they leave prison.

DOC also traditionally monitored the collection of fines the court assessed to offenders (for victim restitution, attorney fees, court costs, extradition fees, and court drug funds). However, since October 2003, county clerks monitor fund collection after the offender's supervision requirements are completed (SHB 5990).

Funding For Corrections

DOC's biennial budget is the third largest among Washington state agencies, behind only the Department of Social and Health Services and the Department of Transportation. DOC's support comes almost entirely from the state's general fund, supplemented by smaller accounts such as Public Safety and Education Account (PSEA) and Violence Reduction Drug Enforcement (VRDE). Offenders also supplement their own

The Department of Corrections has the third largest state agency budget, behind only the Department of Social and Health Services and the Department of Transportation.

³⁷ Annual evaluations of Offender Accountability Act effects are being conducted by the Washington State Institute for Public Policy. The most recent is available on-line, at <http://www.wsipp.wa.gov/crime/pdf/OAARReportJan2003.pdf>.

supervision costs through the Offender Betterment Fund (from phones and vending machines in prison), and the room and board fees inmates pay while participating in work release programs. The table below shows sources of DOC's funding during the last and next biennia.

| TABLE 7-6 Washington State Department of Corrections Revenue Sources | | |
|---|--|---------------------|
| Fund | 2001-03 Biennium (with 2003 supplemental) | 2003-05 Biennium |
| General Fund State Operating | \$1,091,860,381 | \$1,164,069,000 |
| General Fund Federal Operating | \$11,093,324 | \$8,746,000 |
| Public Safety and Education Operating | \$17,069,020 | \$19,149,000 |
| Public Health Services Operating | \$1,453,000 | --- |
| Violence Reduction/Drug Enforcement Operating | \$4,847,721 | \$3,034,000 |
| Salary/Insurance Increase Revolving Operating | \$67,418 | -- |
| Digital Government Revolving Account Operating | \$250,000 | --- |
| Special Retirement Contribution Increase Revolving Operating | \$(17,643) | --- |
| Total | \$1,126,623,221 | \$1,194,998,000 |

Note: 2003-05 Biennium figures do not reflect OFM allotments or special allocations.

Source: Guerin June 12, 2003

Organizations in which DOC participates

Sentencing Guidelines Commission - The Sentencing Guidelines Commission monitors and evaluates felony sentencing policies, and recommends amendments to the Governor and Legislature. As an ex-officio member of the Commission, the Secretary of DOC advises the Commission. The Sentencing Guidelines Commission consists of 20 voting members, 16 of whom are appointed by the Governor for three-year terms. Members include judges, attorneys, law enforcement authorities, elected city and county officials, citizens, government officials, and legislators.

Caseload Forecast Council - The Council was established by the legislature in 1997 and charged with forecasting caseloads for health and human services, prisons, and other government-mandated services in Washington. Council members include state legislators, the Director of the Department of Revenue, and the Director of the Office of Financial Management. The Council meets three times a year to adopt official forecasts. Forecasts affect DOC's budget requests in areas ranging from staffing to the number of offender beds, because the state legislature and the Governor base the state budget on these forecasts.

Jails - DOC staff work closely with WASPC and local jail managers throughout the state on issues such as offender classification, management standards, jail booking and reporting systems, and capacity. Intrastate Compact Agreements to enable the transfer of inmates between county jails and DOC are currently under consideration.

Washington is one of the first states to adopt determinate sentencing for adults, and is the only state with determinate sentencing for juveniles.

In 1982, before the Sentencing Reform Act was fully implemented, there were approximately 10,000 sentences. By 2000, the number of felony sentences grew to 25,034.

Washington State Law and Justice Advisory Council - Under RCW 72.09.300, the Secretary of DOC co-chairs an Advisory Council, made up of local and state government officials. The Council encourages partnerships between city, county and state services for sharing resources in the criminal justice system. Local jurisdictions have also formed law and justice committees that focus solely on issues within their authority.

Office of Financial Management, Risk Management Advisory Committee - DOC participates in formulating policies and direction for Washington State's risk management programs.

Washington Integrated Justice Information Board - This Board, previously the Criminal Justice Information Act Executive Committee, governs the Justice Information Network. The Board is responsible for developing a statewide network to integrate criminal justice data currently independently collected from various law enforcement and justice agencies. This will facilitate information sharing and integrated delivery of justice information. The Board is required to submit a plan to the Legislature by September, 2004.

Significant Legislation

Because state laws govern which offenders go to prison and which receive community supervision, and for what amount of time, legislative changes significantly affect DOC's caseloads. In addition, legislators' budget decisions determine agency capacity and services. Below are several pieces of legislation that have affected DOC.

Sentencing Reform Act - After sentencing by Washington courts, both adult and juvenile offenders serve time as determined by the Sentencing Guidelines. Established in 1981, the Sentencing Reform Act (SRA) created a sentencing grid for all adult felony sentences that result in prison and/or jail incarceration. Juveniles who commit crimes in Washington are subject to determinate sentencing under the Juvenile Justice Act of 1977 (RCW 13.40). Washington is one of the first states to adopt determinate sentencing for adults, and is the only state with determinate sentencing for juveniles.

The principal goal of the new sentencing guidelines system was to ensure that offenders who commit similar crimes and have similar criminal histories receive equivalent sentences. Sentences were to be determined by the seriousness of the offense and by the criminal record of the offender.

The Sentencing Guidelines Commission is responsible for evaluating and monitoring the guidelines. The Commission consists of 20 voting members, 16 of whom are appointed by the Governor for three year terms, and four who serve as ex-officio members by virtue of their positions as Secretary of Corrections, Assistant Secretary of JRA, Chair of the Indeterminate Sentencing Review Board, and Director of the Office of Financial Management. The Commission recommends changes to the Governor and Legislature and provides information on sentencing practices and trends to the public.

The volume of felony sentences has increased since the Guidelines were enacted. In 1982, before SRA was fully implemented, there were approximately 10,000 sentences, but by 2000, the number of felony sentences grew to 25,034 (Washington State Sentencing Guidelines Commission 2001 5). As the table below shows, although the state population increased by only 42 percent, the number of felony sentences increased by 150 percent.

| TABLE 7-7 Increase in Felony Sentences in Washington State | | | |
|---|------------------|------------------|------------------|
| Year | Felony Sentences | State Population | Rate Per 100,000 |
| 1982* | 10,000 | 4,232,156 | 236.3 |
| 1990 | 17,223 | 4,866,692 | 353.9 |
| 2000 | 25,034 | 5,894,121 | 424.7 |

* 1982 Pre-Guideline Volume

Source: Washington State Sentencing Guidelines Commission 2001 5

The increased number of felony sentences does not reflect an increase in the amount of crime; reported crime actually dropped from 1990 to 1997 in Washington (Washington State Institute for Public Policy 1999 2). Instead, amendments to the Sentencing Guidelines made jail and prison terms longer, and sent more offenders to prison. SGC identified some of the most influential amendments increasing felony sentences:

- Elimination of First-time Offender Waiver sentencing option for drug dealing,
- Increasing the seriousness level of certain felony offenses and miscellaneous felonies,
- Imposition of consecutive sentencing for serious violent offenses,
- Increasing the score for certain offenses,
- Increasing points for prior offenses in offender score,
- Imposition of life sentences without parole for persistent violent and sex offenders,
- Increasing penalties for armed crime, and
- Reduction/elimination of sentence reduction due to good behavior for some offenses (Washington State Sentencing Guidelines Commission 2001 6).

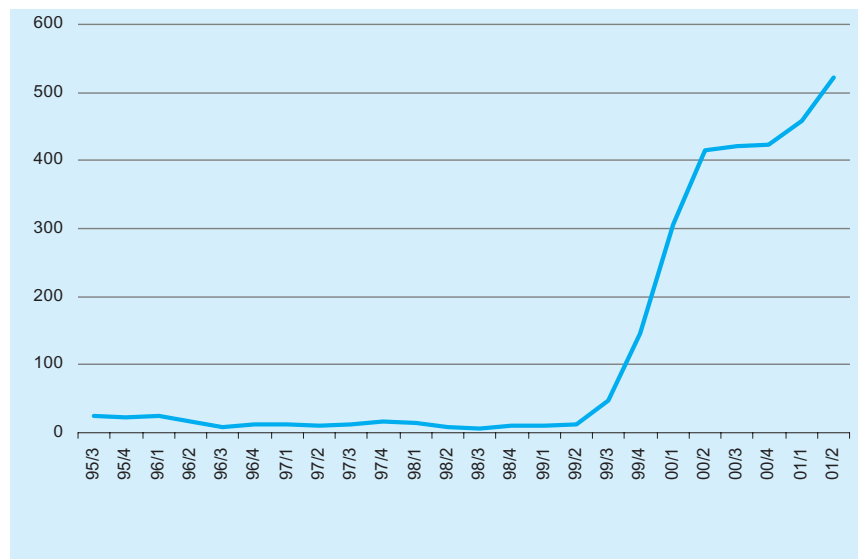
2SHB 2338- Drug Offenses Sentencing Changes – The legislature passed 2SHB 2338 in the 2002 session. This legislation creates a special sentencing grid for offenders convicted of a drug offense committed on or after July 1, 2004. The bill allows for non-violent defendants arrested for drug possession to choose an intensive, heavily supervised rehabilitation program in lieu of incarceration and a criminal record.

Hard Time for Armed Crime/Three Strikes - Voters passed two citizen initiatives lengthening offender sentences during the 1990s. RCW 9.41.010, also called “Hard Time for Armed Crime,” increased the sentences for offenders found guilty of committing offenses with weapons. RCW 9.94A (“Three Strikes You’re Out”) gives offenders convicted of a third felony a mandatory life sentence. The effect of these initiatives on the corrections system has been to create an older population of offenders, who have added significantly to inmate health care expenditures. DOC must also ensure the safety of aging offenders, who may be more vulnerable to younger, more aggressive inmates.

Finally, offenders under these new laws serve their first years in close custody, requiring costly extra supervision.

Drug Offender Sentencing Alternative - The Drug Offender Sentencing Alternative (DOSA) (RCW 9.94A.660), enacted in 1995 and expanded in 1999, applies to offenders convicted of non-violent, non-sex offenses who have not used a weapon. DOSA allows the court to impose a shorter sentence than the standard range for the offense, to be served in prison. The remainder can be served in community custody, which must include substance abuse treatment, crime-related prohibitions and testing and monitoring for drug use. Although more of these offenders serve prison time, as shown in the chart below, they serve shorter sentences. DOC will be able to redirect savings achieved because of these shorter sentences to support local drug treatment programs (Washington State Department of Corrections 2003b 11).

FIGURE 7-7
Washington State Sentencing Guidelines Commission
Drug Offender Sentencing Alternative Sentences
Fiscal Years 1996-2001 by Quarter



Source: Washington State Sentencing Guidelines Commission 2001 17

3ESSB 6151 – The Management of Sex Offenders

The Washington State Legislature enacted 3ESSB 6151 – The Management of Sex Offenders in the Civil Commitment and Criminal Justice Systems in 2001. This legislation creates sentencing changes for certain sex offenders. Under this legislation, any adult offender who is convicted of a specified sex offense and has a prior conviction for a “two strike” offense (RCW 9.94A.030(32) (b)), is to receive an indeterminate sentence. The minimum term of the sentence is to be set in the standard range, according to the seriousness level of the offense and the offender score. Convicted offenders are eligible for earned release pursuant to RCW 9.94A.728, have the opportunity for sex offender treatment while incarcerated and are eligible for the Special Sex

ESSB 5990, which took effect in 2003, increased the amount of sentence reduction for good behavior from 33 1/3 percent to 50 percent.

OAA allowed DOC to concentrate its greatest resources on offenders who pose the greatest risk to re-offend.

Offender Sentencing Alternative as provided in RCW 9.94A.670. The offender sentences are served in prison, regardless of the length of the sentence.

Additionally, the bill expands the definitions of sexual misconduct of a minor in the first and second degree, reclassifies several offenses as Class A felonies and classifies attempts to commit any of a list of enumerated offenses as Class A felonies.

ESSB 5990 - Engrossed Substitute Senate Bill 5990, which took effect on July 1, 2003, increased the time that some inmates can have subtracted from their sentences for good behavior. This is expected to save \$47.2 million each biennium. The amount of the sentence reduction for good behavior was shifted from 33 1/3 percent to 50 percent.

The new law also shifts the collection of fines and restitution from DOC to each of the 39 county clerks, and eliminates DOC's responsibility to supervise certain Risk Management Level C and D offenders, the lowest risk offenders (Guerin June 12, 2003).

Offender Accountability Act - Passed in 1999, OAA allowed DOC to concentrate its greatest resources on offenders who pose the greatest risk to re-offend. It also allows DOC to establish and modify supervision condition and sanctions.

Juvenile Offenders: Local Detention and the State Juvenile Rehabilitation Administration (JRA)

The state Juvenile Justice Act of 1977 and its revisions dictate the state's care of juvenile offenders. While the Act acknowledges the importance of the rehabilitation of youth, it also seeks to hold offenders accountable for their actions. Juvenile courts, a division of Superior Courts, handles most charges against juveniles.³⁸ When juvenile courts sentence youth offenders, they do so under a set of determinate sentencing guidelines. Washington is the only state with determinate sentencing guidelines for juveniles.

A court may decide that a juvenile who commits a very serious crime should be treated as an adult. Under the state Violence Reduction Act of 1994 and 1997, juveniles who are 16 or 17 and who commit certain violent offenses are automatically transferred to adult court. A prosecutor may also petition the court to remand a youth of any age to adult court if they meet the criteria set forth in RCW 13.04.110.

The process for a juvenile arrested for a crime is very different than for an adult. After arrest, juvenile offenders are usually taken to local juvenile detention centers, where they are evaluated. After adjudication by a judge, if incarceration is required, the juvenile may be sent to a JRA residential facility or returned to county detention, depending on the severity of the crime. Juveniles who commit more serious crimes are sent to state institutions. The juvenile may also be required to participate in community supervision.

³⁸ Violations for traffic, fish, game or boat violations are handled by District or Municipal Courts.

The number of juveniles in Washington's justice system on an average day in 2001 was 13,646.

The number of juveniles held in detention facilities has increased 79 percent since 1991.

On an average day in 2001, Washington's juvenile justice system contained 13,646 youth. Most of these young offenders were supervised at the local level (11,604); the JRA managed the minority (2,042) (Washington State Institute for Public Policy 2002 4).

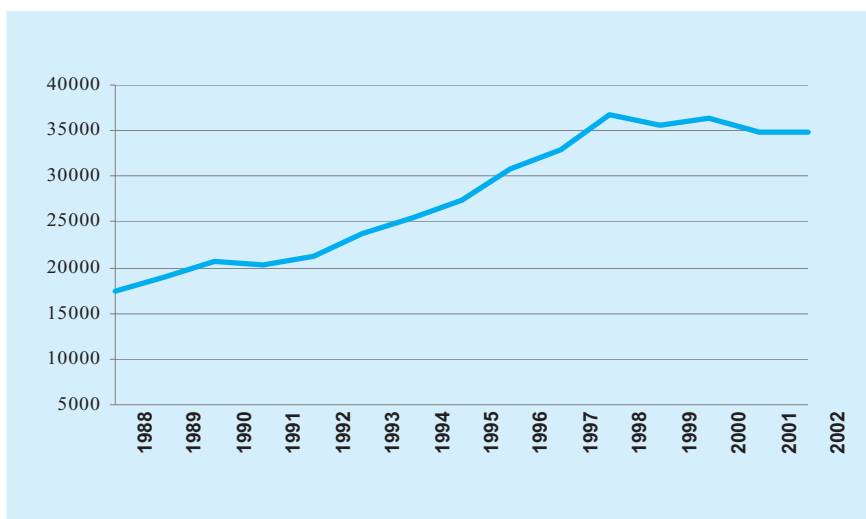
Local Detention

Washington counties operate twenty juvenile detention facilities, administered by juvenile courts, and one regional center administered by a group of counties. While the most serious juvenile offenders are sentenced to incarceration in state residential facilities managed by JRA, less serious offenders are held under the jurisdiction of counties. Some are sentenced to confinement in county-operated detention facilities, while others are supervised on probation. Other less serious offenders may be placed in diversion programs, where they agree to provide restitution, go to counseling or participate in community service. If the diversion agreement is followed, no conviction appears on the juvenile record. If the juvenile fails to follow the agreement, he or she faces charges in juvenile court.

Juvenile detention centers are basically jails for juveniles where they await court hearings or serve time after sentencing (up to 30 days). Most detention centers provide medical, mental health, drug and alcohol, anger management, victim awareness, educational and skill building services.

The number of juveniles held in detention facilities has increased since 1991 by 79 percent, although in 2001 the number decreased by four percent from the previous year.

FIGURE 7-8
Juvenile Admissions to Detention Facilities
January 1, 1988 – December 31, 2001



Source: Washington State Governor's Juvenile Justice Advisory Committee 2002 212

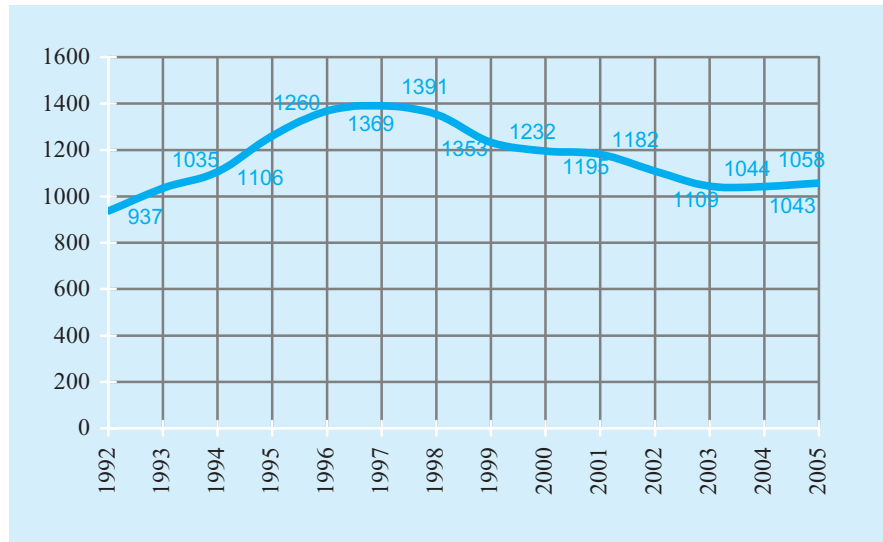
Juvenile Rehabilitation Administration (JRA)

Juveniles sentenced for longer than the local juvenile detention center average of 10 days are sent to a JRA institution.

JRA is part of the state Department of Social and Health Services. Its mandate is to reduce crime, protect the public, and hold offenders accountable for their actions. JRA runs preventive, rehabilitative and transition programs in institutional and community settings. JRA runs several institutions as well as smaller, community facilities, and is also responsible for aftercare therapy and parole. The average length of stay in a JRA residential placement is 10 months.

Since about 1997, the JRA population in confinement has been declining, even though the state juvenile population has grown by 15 percent. The number of youth in JRA institutions grew to almost 1,400 in 1997, but decreased in recent years, as shown in the chart below. This reflects a net decrease in juvenile crime.

FIGURE 7-9
Washington State Juvenile Rehabilitation Population



Source: Washington State Juvenile Rehabilitation Administration 2003e

Below is a table of key demographic data of JRA residential youth.

TABLE 7-8
Juvenile Rehabilitation Administration Demographic Data

| Demographic | |
|-------------------|------------|
| Male | 92% |
| Female | 8% |
| Minority | 43% |
| Violent Offenders | 44% |
| Sex Offenders | 18% |
| Average Age | 16.5 years |

Source: Washington State Juvenile Rehabilitation Administration 2003a

Of the juveniles held in residential facilities in 2003, 92 percent were male and 8 percent were female.

Institutions, Group Homes, and Community Supervision

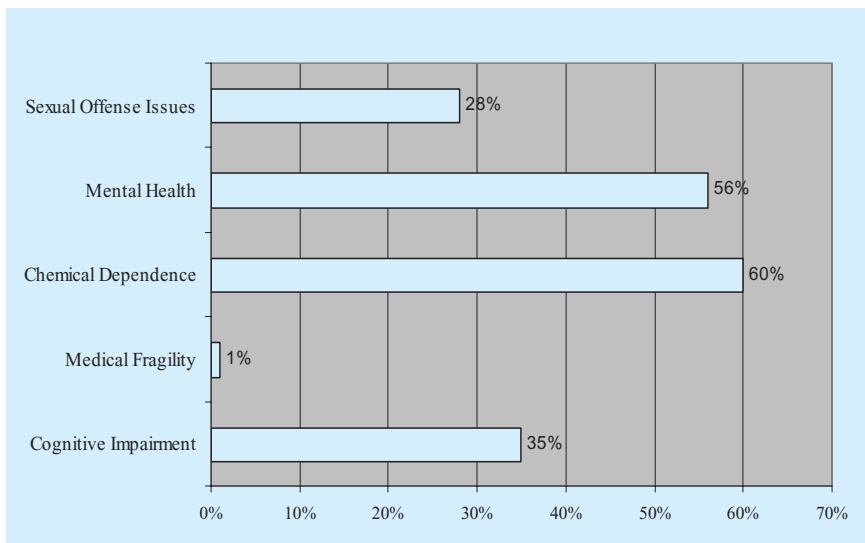
JRA services are designed to meet the custody and service needs of youth who are serious offenders, and those with offense histories who haven't responded to community sanctions. JRA provides care for these individuals through an integrated program of institutions, community-based group homes and family-focused parole services.

JRA operates three medium to maximum security institutions: Green Hill School (Chehalis, 218 beds), Maple Lane School (Centralia, 214 beds), and Echo Glen Children's Center (Snoqualmie, 172 beds). JRA also runs a medium security youth camp at Naselle (144 beds), one basic training camp, Camp Outlook (Connell, 30 beds), and seven state contracted minimum-security group home facilities.

Youth come to JRA with complex needs related to their inability to function in the community. Staff complete a diagnostic screening at each individual's commitment to JRA, assessing for risk of re-offending, suicide, assault, and escape, and for medical and mental health issues including chemical dependency, substance abuse, and sexual vulnerability and/or aggressiveness. Assessment is ongoing; treatment needs and progress are reviewed every 90 days or in some cases, more often.

JRA's goal is to help youthful offenders with complex needs and deficits develop skills to become confident, competent and responsible citizens. JRA's primary intervention is an Integrated Treatment Model, founded on Cognitive-Behavioral Treatment, which involves teaching, motivating and coaching youth in the use of a series of skill sets for meeting needs and coping with stress. Dialectical Behavior Therapy is the basis for JRA's work with youth who have acute mental illnesses.

FIGURE 7-10
Service Needs of Juvenile Rehabilitation Administration Facility Residents
July 2003



Source: Washington State Juvenile Rehabilitation Administration 2003a 3

On July 1, 2002, 190 sex offenders, age 11 to 20, were in Juvenile Rehabilitation Administration custody.

Researchers estimate that more than 80 percent of individuals committed to Juvenile Rehabilitation Administration are substance abusers or chemically dependent.

Sex offenders who have a current or prior sex offense, are assessed as sexually aggressive, or have current illegal sexualized behavior. (Washington State Juvenile Rehabilitation Administration 2003a 3). Sex offender services consist of individual and group counseling on topics such as victim empathy, family support and education, and social skills training and sex education.

On July 1, 2002, 190 sex offenders, age 11 to 20, were in JRA custody. Another 375 sex offenders were under community supervision (Washington State Juvenile Rehabilitation Administration 2003c).

As indicated in the chart above, significant mental health problems affect more than half of JRA's offenders. Youth characterized as having significant mental health issues include those with a current DSM-IV diagnosis, and/or who are currently prescribed psychotropic medication, and/or who have demonstrated suicidal behavior in the last six months. (JRA does not include youth whose sole diagnosis is Conduct Disorder, Oppositional Defiant Disorder, Pedophilia, Paraphilia, or Chemical Dependency in its count of mentally ill youth.)

As many as 51 percent of the youth residing in JRA institutions have a major depression or other psychotic disorder (Robertson August 24, 2003). JRA's Mental Health Oversight Committee provides recommendations on mental health policy, and creates protocols for tracking such disorders.

Substance abuse is a leading cause of young people's interaction with the criminal justice system; researchers estimate that more than 80 percent of individuals committed to JRA are substance abusers or chemically dependent (Washington State, Juvenile Rehabilitation Administration, 2002). JRA provides assessment and specialized drug and alcohol treatment services to these juvenile offenders. It operates three intensive inpatient programs, two intensive outpatient programs, and one recovery house and long-term care chemical dependency facility. The JRA Substance Abuse Oversight Committee meets monthly to ensure efficient coordination of services and make policy recommendations to the Assistant Secretary of JRA.

JRA staff also care for medically fragile youth who have acute or chronic conditions that requires a doctor's supervision or treatment at least once a month. JRA also cares for youth with cognitive impairments, including offenders who require special education, youth with developmental disabilities, mental retardation, and borderline intellectual functioning in public schools.

Community Facility and Community Supervision Programs

To provide a positive transition from custody to community living, JRA youth often live in community facility programs, similar to group homes, before they are released. Community facilities vary in size from 1 to 23 beds, and provide 24-hour supervision, individual and group counseling, drug and alcohol education, and skills training. JRA contracts with private providers for 115 of these community facility beds, and operates 111 minimum security beds at seven state-run community facilities. The

average cost per day in FY 1999 was \$141.81 (Washington State Juvenile Rehabilitation Administration 2003b).

Youth in community programs frequently hold paying jobs, and are required to pay restitution to victims. In 2002, youth in JRA community residential programs paid over \$85,000 in compensation to crime victims, and completed over 10,000 hours of community service on restorative justice projects. The total amount of restitution paid by youth in JRA residential care during 2002 was over \$147,000 (Robertson August 24, 2003).

After release from commitment, JRA youth require significant aftercare. Parole (community supervision) helps offenders transition from residential to community living. JRA uses both state and contracted county staff to provide supervision after release for up to 36 months, depending on the youth's risk of re-offense, and the type of offenses he or she has committed in the past.

Parole services are focused on youths' families. The model is referred to as Functional Family Parole, with the goal of motivating and engaging families to reinforce the positive gains made by youth as they transition back into community life.

State Funded Juvenile Court Services

Through a partnership called Consolidated Juvenile Services (CJS), the state, county juvenile courts, and private providers share costs of providing local comprehensive services to youth offenders. The programs funded under CJS include:

CJS At-Risk - These are clusters of pre-commitment services that may include diversion, probation supervision, individual and family counseling, drug/alcohol assessment and treatment, alternative education, vocational training, and psychiatric and psychological programs intended to prevent juveniles from entering the criminal justice court system. Every juvenile court jurisdiction in Washington has such a program.

Community Juvenile Accountability Act (CJAA) - These programs target youth on county probation who are at moderate to high risk for re-offending. Most CJAA programs focus on the family. In keeping with Washington's emphasis on research-based intervention, CJAA is the first U.S. effort to implement proven juvenile recidivism reduction programs on a statewide basis (Washington State Department of Social and Health Services 2002).

Chemical Dependency Disposition Alternative (CDDA) - This sentencing alternative allows juvenile courts to suspend a JRA sentence for chemically dependent, non-violent offenders. As an alternative to being sent to JRA, youth receive chemical dependency treatment and juvenile court supervision in their home communities. The typical suspended sentence is 15 to 36 weeks. In addition to chemical dependency treatment, youth may be confined in detention for up to 90 days. If a youth fails to participate in treatment or violates the conditions of supervision, the court can revoke the suspended sentence and commit the youth to a JRA institution.

The Chemical Dependency Disposition Alternative (CDDA) allows suspension of a Juvenile Rehabilitation Administration sentence with an alternative of chemical dependency treatment for chemically dependent, non-violent offenders.

Special Sex Offender Disposition Alternative (SSODA) - This program is for first time sex offenders, and allows the court to suspend sentencing to a residential facility while the youth attends a community treatment program and is supervised by the juvenile court. If an offender fails to finish the treatment program or violates the conditions of supervision, the court can revoke the suspended sentence and commit the youth to a JRA institution.

Interstate Compact on Juveniles - This Compact ensures that the receiving states will cooperate in supervising juvenile justice system youth with probation or parole obligations who move to another state. The agreement also provides for the return of youth who escape from detention or JRA facilities, and for interstate cooperation in the return home of non-delinquent runaways. The program serves over 700 youth per month from Washington.

Mental Health Disposition Alternative - This sentencing alternative can be used by juvenile courts to suspend a JRA sentence for youth with mental health issues related to offending behavior. Instead of being sent to a JRA facility, youth receive mental health treatment and juvenile court supervision in their home communities. Courts may revoke suspended sentences, or apply local sanctions for youth who violate treatment or supervision conditions.

Option B - Juvenile courts may exercise this option, suspend a standard range JRA sentence, and apply local sanctions and supervision by the juvenile court. This option is geared to youth younger than fourteen years, and minor offenders over the age of 14 years.

Juvenile Accountability Incentive Block Grant (JAIBG) - This federal grant program, administered by JRA, funds juvenile justice programs such as intensive county probation services, day reporting, drug courts and additional juvenile prosecutors. Currently, JRA funds 54 programs statewide (Washington State Juvenile Rehabilitation Administration 2003d).

Funding

Washington's expenditures on juvenile confinement and community supervision during 2001 are detailed below. The chart shows state funding amounts, and state amounts combined with those from other sources.³⁹

| TABLE 7-9 Funding of Washington's Juvenile Justice System 2001 (Million of dollars) | | | | | | |
|--|--------|--------|-----------------|---------|---------|---------|
| Juvenile Offender Functions | JRA | | Juvenile Courts | | Total | |
| | State | Total | State | Total | State | Total |
| Confinement | \$63.0 | \$66.7 | \$2.8 | \$52.7 | \$65.9 | \$119.4 |
| Community Supervision | \$15.8 | \$18.0 | \$18.4 | \$48.8 | \$34.2 | \$66.8 |
| Subtotal | \$78.9 | \$84.7 | \$21.2 | \$101.5 | \$100.1 | \$186.3 |

Source: Washington State Institute for Public Policy 2002 5

³⁹ Washington's juvenile justice system implements state laws on child dependency, and on at-risk, runaway and truant youth, in addition to responding to criminal offenses by juveniles. Funding information for these "non-offender" functions is available on-line (Washington State Institute for Public Policy 2002 5).

Federal legislation passed in 1974 requires that non-offending youth and status offenders are not in locked facilities or housed in facilities with adults.

Washington State is the only state with determinate sentencing for youth.

During the 2001 to 2003 biennium, JRA had authority to spend \$234.2 million, which supported 1,224 full-time employees and JRA's various facilities and programs. Funding for the 2003-2005 biennium declined to \$206.4 million (Legislative Evaluation and Accountability Program Committee 2003 5).

Significant Legislation

Federal Juvenile Justice and Delinquency Prevention Act (JJDP) - This Act, which was passed in 1974, established a single federal agency to address juvenile delinquency.

JJDP provides formula block grants to states, based on their population of juveniles under 18. To be eligible, JJDP requires that non-offending youth and status offenders are not in locked facilities, are not in adult jails and lockups, are separate from adults, and that JRA has studied and developed strategies to handle any disparities in race that may exist. Because Washington's At-Risk and Runaway Youth Act of 1995 allows runaway youth to be locked up for five days, the federal Department of Justice determined Washington is out of compliance with JJDP. Therefore, Washington lost 25 percent of the federal grant funds in 2000, 2001, and 2002 (Washington State Governor's Juvenile Justice Advisory Committee 2002 II).

Juvenile Justice Act of 1977 (RCW 13.40) - Juveniles who commit crimes in Washington are subject to the provisions of this state Act, which contains guidelines and procedures for the imposition of sentences. Passage of this Legislation revised the state's juvenile sentencing practices, creating a determinate sentencing model based on an offender's age, prior criminal history and seriousness of the current offense. As noted above, Washington is at present the only state with determinate sentencing for youth.

Related Organizations

Washington Governor's Juvenile Justice Advisory Committee (GJJAC) - GJJAC was established in 1982 to promote delinquency prevention and improve the juvenile justice system. GJJAC members are juvenile justice professionals and private citizens, who represent a cross-section of the state. Committee members and staff monitor secure facilities for compliance with federal law, advise the Governor and legislature on juvenile justice issues, award both federal and state funds to projects, and ensure state compliance with the federal JJDP. GJJAC is staffed by the Office of Juvenile Justice, which is housed in the Department of Social and Health Services.

Sentencing Guidelines Commission (SGC) - SGC members (judges and other juvenile justice professionals, legislators and citizen representatives) review and recommend changes in juvenile disposition standards. The Commission also reports to the Governor and legislature on racial and ethnic disparities in juvenile dispositions, capacity of state and local facilities, and juvenile recidivism (Washington State Sentencing Guidelines Commission 2002a 2). The Assistant Secretary of JRA sits on the SGC.

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